

## PUBLIC SAFETY

### I. OVERVIEW

This Program Memorandum covers Public Safety, the ninth of the eleven major programs in the statewide program structure. The overall objective of the Public Safety program is to protect the individual and property from injury and loss caused by criminal actions, accidents, physical hazards, and natural and man-made disasters.

The Public Safety program is composed of two principal sub-programs: Safety From Criminal Actions and Safety From Physical Disasters. A total of 19 individual, lowest-level programs and their associated plans are included in the Multi-Year Program and Financial Plan for the period 2004-2011.

The following departments are involved in the Public Safety program: Attorney General, 1 lowest-level program; Defense, 1 program; and Public Safety, 17 programs.

The programs of the Judiciary contribute towards goals of the Public Safety program but are not shown in the budget or in the program and financial plans submitted by the Executive.

The activities within the Public Safety program area vary considerably between the two principal sub-programs. In the Safety From Criminal Actions area, major activities focus primarily on identification of criminal elements; collection and analysis of criminal data; pre-trial investigation and diversion from incarceration; detention of criminal suspects and confinement of adjudicated criminals; supervision of persons released from confinement; provision of compensation for people sustaining criminal injuries; and security of public property and the protection of the public from criminal actions.

In the Safety From Physical Disasters sub-program area, major activities consist of amelioration of natural or man-made physical disasters.

This section provides some interpretive commentary on program cost projections as shown in Table I. Annual projected costs of the Public Safety program vary from \$189.3 million in FY 04 to a high of \$248.4 million in FY 07. Operating costs increase from \$182.7 million in FY 04 to \$242.9 million in FY 07. It is noted that no capital investment cost are reflected for the planning period because projects are under review.

TABLE I

INVESTMENT AND OPERATING COSTS

PUBLIC SAFETY

		F i s c a l   Y e a r s						
		Actual	Est.	Rec.	Rec.	P r o j e c t e d		
		<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u> <u>2010-11</u>
A. <u>Costs of the Recommended Program</u> <sup>A/</sup>								
Capital Investment		6.6	32.8	10.2	5.5	...	...	...
Operating		<u>182.7</u>	<u>200.0</u>	<u>236.6</u>	<u>242.9</u>	<u>242.9</u>	<u>242.9</u>	<u>242.9</u>
	Tctal	189.3	232.8	246.8	248.4	242.9	242.9	242.9

<sup>A/</sup> Expenditures in millions of dollars from all funds.

## II. COSTS AND EFFECTIVENESS OF THE RECOMMENDED PROGRAMS

This section includes the activities, costs, and effectiveness of the Level II programs which constitute the Public Safety program.

### SAFETY FROM CRIMINAL ACTIONS

The objective of this sub-program is to protect the individual and his property from injury and loss caused by criminal actions by providing and coordinating services, facilities, security, and legislation to prevent and deter crime; to detect, apprehend, prosecute, detain, and rehabilitate criminals; and where appropriate, to compensate victims of crime.

A total of 18 individual, lowest-level programs and their associated plans are included in the Multi-Year Program and Financial Plan. The departments involved in the Safety From Criminal Actions program include the Attorney General and Public Safety.

Significant relationships are maintained by the lowest-level programs with each other and with other agencies and jurisdictions. Most active in this respect are the Hawaii Criminal Justice Data Center (HCJDC) program in the Department of the Attorney General and the Intake Service Center program in the Department of Public Safety (PSD). HCJDC coordinates its data collection and dissemination activities with all county police departments and prosecutors' offices, PSD, the Judiciary, and the Federal Bureau of Investigation. The Intake Service Center maintains significant program and coordination relationships with various criminal justice system components, such as county police departments, prosecutors, courts, and the Hawaii Paroling Authority (HPA). The Center provides direct services to offenders during pre-trial, pre-sentence and post-sentence phases. Services include intake, screening, assessment, evaluation, and supervision of activities.

### Confinement

Adult offenders enter the correctional system through an intake service center located in each county. Male offenders on pre-trial status or those serving less than a one-year sentence will remain at the community correctional center in which they were processed. Male sentenced felons are then transferred to the Halawa Correctional Facility, which operates as a statewide felon intake center and as Hawaii's major prison. Inmates requiring special programming are referred to the Halawa Special Needs Facility, Waiawa Correctional Facility, or Kulani Correctional Facility. As with male inmates, female pre-trial detainees and those serving sentences of less than one year remain at the community correctional center in which they were processed.

Female sentenced felons are transferred to the Women's Community Correctional Center for programming, and to serve their sentences. All inmates are returned to their home county to participate in a transition program prior to release into the community.

As public safety is the first goal of corrections, security operations take priority over other types of programming. Within limits of the secure correctional setting, major activities of the facilities include intake, admissions and release processing, inmate housing, medical and dental services, counseling and treatment services, academic and vocational programs, recreation, community service programs, and furlough opportunities. The basis of inmate programming is found in the concept of reintegration. That is, from the time a person is first incarcerated, programmatic decisions focus on the needs of the individual to live a law-abiding life once released.

All the activities above are intended to aid in preparation and rehabilitation of the offender for eventual reintegration into the community while continuing to protect the public from further criminal actions.

#### Adult Parole Supervision and Counseling

HPA is a quasi-judicial body that, for administrative purposes only, is attached to the Department of Public Safety. All sentenced felons with more than a one-year court sentence will be brought before HPA for sentencing to a minimum term of imprisonment within six (6) months of their commitment to custody of PSD. The minimum sentence is one of the factors utilized by the correctional classification system to determine level of security and custody the prisoner will initially require, as well as correctional programming.

The statutory responsibility of HPA is two-fold: 1) public safety; and (2) reintegration of the offender. Protection of the community and successful reintegration of the offender is sought by HPA through its fixing of an appropriate minimum term of imprisonment, granting or denial of parole, proper supervision of those on parole, and revocation of parole, whenever necessary.

The Hawaii Criminal Justice System allows for a variety of sentencing dispositions including community supervision and varying degrees of incarceration. The most expensive of these dispositions is long-term, secure incarceration. According to public opinion and legislative mandates, the trend within the Safety From Criminal Actions program continues to be the

provision of services to provide for long terms of confinement. This trend has and will continue to have a major impact on program cost and size.

### Enforcement

Other activities in the Safety From Criminal Actions programs include the law enforcement functions that provide for safety of public property and protection of the public from criminal actions. This is accomplished by: investigating and apprehending violators of the Uniform Controlled Substances Act; providing security and protective services to the executive, legislative, and judicial branches of government; and serving and executing all orders of the courts.

### Crime Victim Compensation Commission

Established by Act 226, SLH 1967, the Crime Victim Compensation Commission (CVCC) is a quasi-judicial body administratively attached to the Department of Public Safety. CVCC compensates victims of certain crimes, primarily violent, such as homicide, assaults, sexual assaults, negligent injury, and domestic violence.

Although the average compensation award is approximately \$1,200, CVCC may award a maximum of \$10,000 for expenses not covered by insurance companies and other collateral sources. In cases where medical expenses exceed \$10,000, CVCC may award up to \$20,000 for medical expenses only. Some areas of compensation include: (1) mental health counseling; (2) medical expenses; (3) cleaning of the crime scene; (4) clothing taken as evidence; (5) loss of dependency; (6) lost earnings due to crime-related injuries; and (7) funeral and burial expenses.

An initial administrative decision on all applications for compensation is made by CVCC staff. An applicant may appeal the administrative decision in writing to CVCC. A hearing with the three appointed commissioners is scheduled and the commissioners issue a decision after each hearing.

For most cases, it takes an average of four to five months to process and notify applicants of the decision on their respective cases. CVCC's goal is to reduce claims processing and initial decision-making time to three months.

### State Criminal Justice Information and Identification

The Hawaii Criminal Justice Data Center (HCJDC) manages the following statewide programs:

1. Criminal Justice Information Systems (CJIS-Hawaii)
2. Automated Fingerprint Identification System (AFIS)
3. State ID
4. Sex Offender Registration

CJIS-Hawaii is a statewide centralized automated system designed to maintain a comprehensive adult criminal history repository of offenders arrested in the State of Hawaii.

HCJDC coordinates data collection and dissemination activities with all county police departments and prosecutor's offices, PSD, the Judiciary, the Federal Bureau of Investigation (FBI) and other federal criminal justice agencies. There are federal mandates placed on the state repository for participation in national systems supported by the FBI, such as the Interstate Identification Index (national criminal history file), National Sex Offender Registry (NSOR) and National Protection Order File.

HCJDC supports two distinct identification programs. The Criminal Identification program uses the Automated Fingerprint Identification System (AFIS) to provide an electronic database of fingerprint records for arrested offenders in CJIS-Hawaii. HCJDC is responsible for the expungement, consolidation, and maintenance of criminal records.

The other distinct identification program under HCJDC management is the Civil Identification program that processes applications for State ID cards for the general public. A new improved automated system was implemented statewide in August 2004, positioning the State ID program for a more aggressive, statewide community outreach program, improving accessibility to the program and service to the public.

The following sections provide some interpretive commentary on major program costs and size indicators as shown on Table II-1.

Annual costs of the Safety from Criminal Actions program over the budget and planning period vary between \$173.1 million and \$218.9 million. The variation is due mainly to increasing operating costs, and CIP expenditures. It is noted that no capital investment costs are reflected for the planning period because projections are under review.

In Part B of the Table II-1, effectiveness of the Intake Service Center in the provision of direct service is, in part, determined by the percentage of offenders on pre-trial supervised release who appear in court as scheduled.

TABLE II-1

## INVESTMENT AND OPERATING COSTS

SAFETY FROM CRIMINAL ACTIONS

	F i s c a l   Y e a r							
	Actual	Est.	Rec	Rec	P r o j e c t e d			
	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
A. <u>Costs of the Recommended Program</u> <sup>A/</sup>								
Capital Investment	5.3	29.6	8.4	3.5	...	...	...	...
Operating	<u>167.8</u>	<u>183.6</u>	<u>208.6</u>	<u>215.4</u>	<u>215.4</u>	<u>215.4</u>	<u>215.4</u>	<u>215.4</u>
Total	173.1	213.2	217.0	218.9	215.4	215.4	215.4	215.4
B. <u>Selected Measures of Effectiveness/</u> <u>Activity</u>								
Percent pre-trial supervision cases appearing in court as scheduled	85	90	90	90	90	90	90	90
Average Inmate Population	3,879	4,632	3,487	3,487	3,487	3,487	3,487	3,487

<sup>A/</sup> Expenditures in millions of dollars from all funds.

## SAFETY FROM PHYSICAL DISASTERS

The objective of this sub-program is to minimize death, injury, disability, and property damage and economic losses there from by preventing potentially hazardous phenomena from occurring, reducing severity of the harmful forces involved, removing or reducing number and susceptibility of people and property subject to injury or damage, helping the victims of and restoring property damaged by accidents and disasters, and preventing secondary injury and damage from occurring.

There is one lowest-level program and the organizational entity involved is the Department of Defense (DOD).

Activities related to prevention and amelioration of physical disasters include management and maintenance of Hawaii National Guard units and National Guard resources at federal and State standards of readiness for facilities, operational equipment, supplies stockage, and strength and trained personnel levels in support of State Civil Defense.

The following section provides some interpretive commentary on major program cost as shown on Table II-2, following:



TABLE II-2

INVESTMENT AND OPERATING COSTS  
AND  
MEASURES OF EFFECTIVENESS/ACTIVITY

SAFETY FROM PHYSICAL DISASTERS

	F i s c a l   Y e a r s							
	Actual	Est.	Rec.	Rec.	P r o j e c t e d			
	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
A. <u>Costs of the Recommended Program</u> <sup>A/</sup>								
Capital Investment	1.3	3.2	1.9	2.0	...	...	...	...
Operation	14.9	16.3	28.0	27.6	27.6	27.6	27.6	27.6
Total	16.2	19.5	29.9	29.6	27.6	27.6	27.6	27.6

<sup>A/</sup> Expenditures in millions of dollars from all funds.

Annual total costs of the Safety From Physical Disasters program over the budget and planning period fluctuate from \$16.2 million in FY 04 to \$29.9 million in FY 06 primarily because of varying annual expenditures for operation. Capital investment costs vary from \$1.3 million in FY 04-07 to a high of \$3.2 million in FY 05. It is noted that no capital investment costs are reflected for the planning period because projects are under review.

### III. PROGRAM CHANGE RECOMMENDATIONS

There are no new program changes recommended for the Public Safety program.

### IV. EMERGING CONDITIONS, TRENDS, AND ISSUES

This section discusses the significant conditions, trends, and issues that influence the Public Safety program.

#### Confinement

Crime, the criminal justice system's response to crime, and terrorism, continues to be an area of great concern to the general public. Although incarceration is viewed as a highly appropriate and popular disposition for convicted persons, there is also growing interest in: alternatives to incarceration; substance abuse treatment programs; mental health needs of inmates; and lack of gender appropriate programming for female inmates.

Moreover, Hawaii's incarcerated population has grown tremendously. During FY 04, total inmate population averaged 5,848 inmates. Of this total number, the prison population numbered 4,112 inmates, while the jail population consisted of 1,736 inmates. The current number of inmates far exceeds the correctional system's operating bed capacity of 3,487. This overcrowding limits PSD's ability to meet its mission of protecting the public and providing reintegration programs for inmates.

PSD has mitigated the overcrowding problem, in part, by contracting for bedspace with out-of-State private prison facilities and with the Federal Detention Center in Honolulu. Sentenced felons occupy contracted private prison beds on the mainland and sentenced detention populations occupy the Federal Detention Center. PSD currently has 1,545 sentenced male inmates incarcerated in the states of Oklahoma, Mississippi, and Arizona, as well as 80 sentenced female

felons in Colorado. Additionally, a daily average of 115 sentenced misdemeanants are confined at the Federal Detention Center, of which 5 are sentenced female misdemeanants. In total, the Department houses 1,740 inmates outside of its correctional facilities.

Overcrowding has also resulted in lawsuits being filed in the Federal Court by the American Civil Liberties Union, individual inmates and attorneys, against the State of Hawaii. These suits are based on conditions of confinement that are felt to be lacking due to overcrowding. The State was embroiled in the Spear v. Ariyoshi (Waihee, Cayetano) Civil No. 84-1104 suit for ten years. Although the Consent Decree was finally dissolved in 1996, continuous growth of the inmate population Statewide has begun to test the conditions of confinement issues again. The Consent Decree facilities, Oahu Community Correctional Center and Women's Community Correctional Center, are again very short of beds. Especially hard pressed for beds are the facilities on the Big Island, Maui and Kauai. Halawa Correctional Facility cannot operate at its operational bed capacity due to the steady flow of sentenced felon inmates being admitted to the correctional system.

A conditions suit filed against the Hawaii Community Correctional Center was resolved in 1998, but overcrowding of the facility in recent years has again caught the attention of the legal community. PSD is in the process of trying to resolve this matter.

Overcrowding has made it difficult for PSD to provide sufficient time, even by scheduling, for inmates to use the library, have visits, enroll in educational classes, and have recreation. Overcrowding continues to overburden physical infrastructures resulting in breakdowns and need for repairs. Problems with wastewater, air ventilation systems, hot water, etc., are evident in all eight correctional facilities. Thus, there is a delicate balance of taking care of operational needs and infrastructure needs occurring on a daily basis by PSD managers and administrators. Therefore, until additional facilities are available to alleviate these deficiencies, PSD will continue to be vulnerable to lawsuits challenging conditions of confinement for detainees and inmates. The need for outsourcing additional beds for Hawaii inmates will not only continue but will also increase with the rising inmate population.

Health care for inmates has emerged as one of the most serious and costly challenges facing the State. This is caused by several factors. First, inmates have significantly higher rates of contagious diseases, including hepatitis, HIV/AIDS,

and tuberculosis, than the general population. Second, the life style of criminal offenders contributes to a general deterioration of their health. As a result, inmates enter the correctional system in generally poor health. Third, average age among inmates is higher than ever before. This is caused by longer sentences and higher average age of the inmate at admission. Finally, the cost of health care in the community has increased faster than the cost of living, especially in areas such as nursing care and pharmaceuticals. Because inmates have a constitutional right to health care, these factors have resulted in dramatically increased inmate health care costs.

The growth rate of incarcerated women has outpaced the rate of men. This is not true only in Hawaii but also nationally. Hawaii has improved in providing gender based programming for sentenced female population, but more needs to be done. However, as with male facilities, female overcrowding has resulted in scheduling problems for available classrooms and space for programs. There is a need for better physical health, mental health, substance abuse, and other treatment programs for this population. The twist with providing programs for this population is that a significant number of females are victims and commit or are involved with criminal activity for different reasons than men. Hawaii houses approximately 25% of its sentenced female felons out-of-State. There are long-term issues and effects such as children and family being separated from them, and the reintegration process they must go through before release. There is a concern about how this separation may negatively affect the next generation.

Another emerging trend in corrections populations throughout the country is emphasis on addressing inmates with mental health and substance abuse problems. PSD's present health care staff has difficulty providing safe and timely services for mentally ill inmates who require specialized treatment services to address their co-occurring mental health and substance abuse disorders. Without effective treatment for these populations, society pays the price of recidivism and falls prey to the "revolving door" of justice.

#### Enforcement

Throughout the nation, there has been a sharp focus on the work of law enforcement agencies since September 11, 2001. In Hawaii, State law enforcement officers have been expected to secure all critical facilities, including the Capitol complex, Honolulu International Airport, courts on each island, the State health laboratory, harbors, and defense installations. However, State resources are not even adequate to provide for

coverage of the pre-9/11 demand. The Judiciary continues to expand the number of courtrooms to meet the ever-increasing number of court cases. This has increased the demand for security and a law enforcement presence from PSD's Sheriff Division.

The heightened awareness of workplace violence, sensitivity to the potential for contaminated mail, and requests for other law enforcement intervention at State facilities has placed greater demands on the Protective Services Unit. Meanwhile, tens of thousand of outstanding traffic and criminal warrants are unserved because of insufficient staffing. As a result, criminals are not brought to justice and the State is unable to realize revenues from unpaid citations.

#### Parole Supervision and Counseling

Through the years, the number of parolees under supervision of the Hawaii Paroling Authority (HPA) has increased significantly. Currently, there are approximately 2,380 parolees being supervised in the community by HPA. More specifically, about 2,069 parolees are being supervised by fourteen (14) Oahu and Neighbor Island parole officers. Each of these parole officers manages an average daily caseload of 147 parolees, more than double the national average caseload of 65 per parole officer.

The remaining 311 parolees are supervised by HPA's Special Services Section and fall within one of four categories: (a) sex offender, (b) intensive supervision, (c) mental health, and (d) high needs female offenders. The five (5) parole officers assigned to this section have an average daily caseload of 62 parolees per parole officer. Because of the intense nature of supervising this volatile parole population, the national average caseload for this group of parolees is approximately 20 to 23. Once again, parole officers of the HPA are supervising almost three times the national average caseload for parolees in these categories.

If HPA is to provide adequate levels of supervision to the parole population, then, funding levels must be at an appropriate level to do so. The State of Hawaii cannot hope to address and/or lower the high recidivism rates among the parolee population unless sufficient resources for HPA, community-based programs (including transitional facilities), and other critical issues relating to the complete continuum of care are put in place.

#### Crime Victim Compensation Commission

In 1967, Hawaii became the third State to establish a crime victim compensation program. Now each state has such a program.

Historically, the national movement to create government-funded victim compensation programs arose out of a concern that victims were not receiving adequate restitution from criminal offenders. Over the last decade, a nationwide philosophical and programmatic shift towards a more restorative justice approach to dealing with offenders has been occurring.

The restorative justice philosophy affects the future direction of CVCC in two major ways. First, CVCC initiated legislation to create a funding base to fund compensation awards and operating expenses from offender fees. The legislation was enacted in 1998 and mandated a compensation fee to be assessed against all convicted criminal offenders. A subsequent amendment in 2000 mandated that the compensation fee be assessed against criminal offenders who entered deferred pleas. Revenue generated from the compensation fee enabled CVCC to become fiscally self-sufficient in FY 2003.

The second major way in which CVCC is moving toward a restorative justice approach is its emphasis on improving customer service so that victims feel satisfied by the process. One effort is to work toward the national program goal of processing applications as expeditiously, accurately, and efficiently as possible so that eligible victims may receive financial assistance promptly and in accordance with the program's mandates and requirements. In this regard, CVCC is attempting to streamline its claims processing procedures so that the majority of applications can be processed and decided within a three-month period from the time the application is received. CVCC has already reduced case processing time by over 25 percent despite a severe staff shortage.

#### State Criminal Justice Information and Identification

All criminal justice agencies statewide rely on CJIS-Hawaii system for record information required to support their operational needs including those for criminal raps (criminal history information on persons arrested), background checks, pre-sentence reports, and much more. Further, demand for criminal background checks at the national level continues to increase for public housing applicants, for those individuals or entities involved with care for vulnerable populations (children, the elderly, and disabled), and now for homeland security, in the wake of September 11<sup>th</sup>.

In August 2000, public sex offender information was made available on the State website until November 2001, when a Hawaii Supreme Court ruling shut down this popular website. Civil hearings are now being conducted to allow public dissemination of qualifying registered sex offenders on a case-by-case basis. Since August 2004, 33 offenders have been cleared for web display. Most recently, the public approved a

constitutional amendment that broadens the public's access to sex offender registration information and directs the Legislature to determine which offenses are subject to this access, what registration information can be released, the manner of public access, and length of public access.

Lastly, because of overwhelming demand for renewals of State ID cards in 1999, HCJDC is anticipating a significant rise in these services, as those cards will begin to expire in 2005. The newly replaced State ID automated system has proven to be more user friendly with a more robust complement of features, which has improved the staffs' ability to more efficiently service the public. Implementation of the Renewal by Mail option for those 65 years and older will help address this anticipated renewal workload. Lastly, aggressive outreach initiatives including community events on the weekends should help to divert crowds from the sole Honolulu office and to ease increased renewal activity for the program.

Nationally, demand for types of services provided by HCJDC like criminal history record checks, fingerprint analysis, civil identification and sex offender registration, is at an all time high in all states. As such, new initiatives, both at the state and national level, continue to impact the program's priorities and direction, and make imperative efforts to utilize technology to its fullest in order to streamline the growing business functions of HCJDC.

#### Amelioration of Physical Disasters

DOD has completed relocation of several Army National Guard units to Kalaeloa and will continue to relocate other units for the next several years as facilities are renovated and brought on-line for use. The September 11, 2001 tragedy reinforced the importance of the need to protect the American population and preservation of property from terrorism. The war on terrorism and homeland defense will increase the nation's reliance on the National Guard.

The Hawaii National Guard (HING) has been, and will continue to be, deeply involved in the global and local efforts against terrorism. The call-up of the 29<sup>th</sup> Brigade Separate reflects this commitment and responsibilities of HING. The continued mobilization and activation of HING personnel will create increased stress and pressure on the personal lives of our members and their employers.

Since inception of the Stafford Act, States and the federal government have enjoyed a cooperative effort in recovering from and mitigating effects of a natural or man-made disaster. However, recent reductions in federal appropriations for capital improvement programs and disaster assistance have

caused states to contribute increasing shares of financial resources to emergency management services. This trend will likely continue as the federal government seeks ways to shift the emergency preparedness costs of disaster preparedness relief, including Homeland Security to state and local governments.

Finally, budget reductions over the past eight years have limited equipment replacement/upgrades, facility repair and maintenance, new capital improvement projects and manpower. The 2005-07 Biennium Executive Budget seeks to address many of these concerns. Continued support for DOD is needed to ensure its mission of public safety with respect to emergency management services and availability of adequate training facilities.